

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE ERBY,)
)
Plaintiff,) Case No. 1:05-cv-171
)
v.) Honorable Richard Alan Enslen
)
JENNIFER KULA,)
)
Defendant.)

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On April 18, 2005, the Court entered an Opinion and Order denying Plaintiff leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). Plaintiff failed to pay the filing fee in the required time period, and the Court dismissed the action on June 9, 2005. In the dismissal, the Court warned Plaintiff that should he file a notice of appeal, he would be required to pay the \$255.00 filing fee in a lump sum, because he is prohibited from proceeding *in forma pauperis* on appeal by § 1915(g).

Plaintiff has now filed a notice of appeal, but has failed to submit the \$255.00 filing fee. As outlined in the Court’s Opinion and Order denying him pauper status based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has thirty days from the date of entry of this Order to pay the entire filing fee for appealing a civil action, which is \$255.00, to the Clerk of this Court. Plaintiff’s failure to comply with this Order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

A copy of this Order shall be certified by the Clerk to the Court of Appeals. FED. R.
APP. P. 3(d).

DATED in Kalamazoo, MI:
August 11, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
UNITED STATES DISTRICT JUDGE

SEND REMITTANCES TO THE FOLLOWING ADDRESS:

Clerk, U.S. District Court
399 Federal Building
110 Michigan Street, NW
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to “Clerk, U.S. District Court.”